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15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF ARIZONA**

17 United States of America,  
18 Plaintiff/Respondent,  
19 v.  
20 Abdul Malik Abdul Kareem,  
21 Defendant/Movant.

2:15-cr-00707-SRB

**ABDUL MALIK ABDUL  
KAREEM'S EX PARTE REQUEST  
FOR ISSUANCE OF SUBPOENA**

22 Defendant moves this Court, pursuant to Fed. R. Crim. P. 17(b) to issue a subpoena  
23 calling for FBI agent Shari McAllister to appear and give testimony at the evidentiary  
24 hearing in this case set for 9:00 am on October 15, 2019, in Courtroom 502, of the Sandra  
25 Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, AZ 85003.

26 Defendant is indigent, having been found so by the Court on June 11, 2015.

1 Docket Report, minute entry. He is unable to pay the witness fees necessary to procure  
2 the witnesses attendance.

3 The witness's presence is necessary for an adequate defense. This Court set the  
4 evidentiary hearing to explore the circumstances surrounding the authorization for the  
5 pole camera, the reason for the existence of the pole camera, and the lack of disclosure  
6 of the pole camera video. Here are excerpts from the Court's oral pronouncements at an  
7 August 9, 2019 telephonic conference:  
8

9  
10 THE COURT: I scheduled this telephonic conference in order to set an  
11 evidentiary hearing. I have reviewed the pending motion and supplemental  
12 briefing on the new trial, and I believe that an evidentiary hearing is appropriate,  
13 limited to the circumstances surrounding the pole camera footage that was just  
14 disclosed fairly recently.  
15

16 \* \* \*

17 I think that it's important for me to know the facts and circumstances around  
18 the authorization for the pole camera, the lack of disclosure of why -- of the pole  
19 camera's existence.  
20

21 \* \* \*

22 Obviously I'm concerned about the lack of disclosure of the pole camera  
23 footage, and I need to know and want to know more about that at an evidentiary  
24 hearing.  
25

1 Counsel believes that during the summer of 2015, SA McAllister was a supervisor  
2 of electronic file storage (ELSUR or Electronic Surveillance Section) at FBI Phoenix  
3 with responsibility for acceptance, storage, access, and retrieval of electronic files. Her  
4 testimony would establish the procedures other agents used to submit electronic files for  
5 storage under her control, how they could access those files, and what records might exist  
6 that would show who delivered, searched for, or accessed the pole camera video files.  
7 Her testimony about the general procedures by which agents could submit and access  
8 electronic files under her control would indicate the ease or difficulty of agents knowing  
9 that such electronic files existed and accessing them, which is relevant to understanding  
10 how the existence of the might have been overlooked or purposely suppressed. The  
11 testimony of SA McAllister will show who had access to the pole camera video and how  
12 an agent could have found the existence of the video within the FBI file systems, and  
13 when. It should also disclose by name those agents who did submit and access the video,  
14 and the dates on which they did so.

15 Excludable delay under 18 U.S.C. § 3161 will not occur as a result of this motion  
16 or a ruling thereon.

17 RESPECTFULLY SUBMITTED this 27 day of September 2019.

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**MAYNARD CRONIN ERICKSON**  
**CURRAN & REITER, P.L.C.**

**DRAKE LAW, PLC**

/s/Daniel D. Maynard  
DANIEL D. MAYNARD

/s/Daniel R. Drake  
DANIEL R. DRAKE

**CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants:

/s/Stacey McClellan  
Stacey McClellan